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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

Hos
8/11/98

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 13th August, 1997:—

I

BILL NO. XLVII OF 1997

A Bill further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Marriage Laws (Amendment) Act, 1997. Short title.

2. In section 5 of the Hindu Marriage Act, 1955, in clause (*ii*), in sub-clause (*c*), the words "or epilepsy" shall be omitted. Amendment of section 5 of Act 25 of 1955.

3. In section 4 of the Special Marriage Act, 1954, in clause (*b*), in sub-clause (*iii*), the words "or epilepsy" shall be omitted. Amendment of section 4 of Act 43 of 1954.

STATEMENT OF OBJECTS AND REASONS

Based on the recommendations of the Law Commission of India as contained in their Fifty-ninth Report on "Hindu Marriage Act, 1955 and Special Marriage Act, 1954", section 5 of the Hindu Marriage Act, 1955 and section 4 of the Special Marriage Act, 1954 were amended *vide* the Marriage Laws (Amendment) Act, 1976 so as to remove the doubts about the degrees of lunacy. Ever since the aforesaid amendment came into force, the Central Government have been receiving representations from eminent medical experts, jurists and Members of Parliament for omission of reference to "epilepsy" contained in the aforesaid Acts of 1955 and 1954 on the ground that medical experts have found that epilepsy is fully curable and, therefore, equating "epilepsy" to "insanity" would do great injustice to patients suffering from epilepsy in matrimonial matters. The grounds for annulling a marriage by a decree of nullity as contained in section 12 of the Hindu Marriage Act, 1955 refers to section 5 (ii) thereof. Similarly, the grounds for declaring a marriage as null and void by a decree of nullity as contained in section 24 of the Special Marriage Act, 1954 refers to section 4 (b) thereof. Hence, the removal of references to "epilepsy" in section 5 (ii) of the Hindu Marriage Act, 1955 and section 4 (b) (iii) of the Special Marriage Act, 1954 has the effect of non-availability of the ground of epilepsy for getting a decree of nullity of the marriage as well. In order to mitigate the hardships of the persons suffering from epilepsy on account of the aforesaid provisions, necessary amendments to remove references to "epilepsy" in the 1955 and 1954 Acts are proposed.

2. The Bill seeks to achieve the above objects.

RAMAKANT D. KHALAP.

II

BILL NO. XLVIII OF 1997

A Bill further to amend the Indian Majority Act, 1875.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Indian Majority (Amendment) Act, 1997. Short title.

9 of 1875.

2. In the Indian Majority Act, 1875 (hereinafter referred to as the principal Act), in the preamble, for the words "to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority that now exists", the words "to specify the age of majority" shall be substituted. Amendment of preamble.

Amendment of section 1.

3. In section 1 of the principal Act, the word "Indian" shall be omitted.

Substitution of new section for sections 3 and 4

4. For sections 3 and 4 of the principal Act, the following section shall be substituted, namely:—

Age of majority of persons domiciled in India.

"3. (*1*) Every person domiciled in India shall attain the age of majority on his completing the age of eighteen years and not before.

(*2*) In computing the age of any person, the day on which he was born is to be included as a whole day and he shall be deemed to have attained majority at the beginning of the eighteenth anniversary of that day.".

STATEMENT OF OBJECTS AND REASONS

The Indian Majority Act, 1875 which is a Central Act of general application and importance has been on the statute book for more than a century and the same needed review.

2. The Government of India has received representations against the prescription of different ages for attaining the age of majority in respect of minors under guardians appointed or declared by a Court of Justice, etc., at 21 years and others at 18 years. Section 3 of the Indian Majority Act, 1875, *inter alia,* provides that the age of majority in respect of minors whose person or property, or both, a guardian, other than a guardian for a suit, has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years of age or in respect of minors whose property the superintendence of which has been or shall be assumed by any Court of Wards before the minor has attained the age of eighteen years shall be twenty-one years. The representations have been examined by the Government and it is found that there is no justification in discriminating the minors under the guardians appointed or declared by a Court of Justice, etc., as stated above from the other minors. It is, accordingly, proposed to amend section 3 of the Act prescribing a uniform age of majority of eighteen years for all minors. The Act has also been reviewed and certain archaic and redundant expressions and provisions are proposed to be omitted.

3. The Bill seeks to achieve the above objects.

RAMAKANT D. KHALAP.

S. S. SOHONI
Secretary-General.

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